

EXHIBIT #2

CERTIFIED MAIL #: 7002 2410 0003 1375 4069

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February 5, 2005

Department of Agriculture
FOIA/PA Coordinator
Room 440AA, Whitten Building
Washington, D.C. 20250-1300

Re: Freedom of Information Act Request

Dear Disclosure Officer,

1. This is a request under the Freedom of Information Act, 5 USC §552 and appropriate regulations. If necessary, this is also a request under the Privacy Act, 5 USC §552a and appropriate regulations.
2. This is my firm promise to pay fees and costs for location, duplication, and reviewing the documents for information requested below. I am making this request in the classification of "other requester". If costs are expected to exceed \$00.00, please send estimate of costs.
3. If some of this request is exempt from release, please send those portions reasonably able to be segregated and provide me with indexing, itemization, and detailed justification concerning the information which you are not releasing.
4. I understand the penalties for requesting or obtaining access to documents or records under false pretenses. I am the person making this request and my signature appears below.
5. Title 20 USC §195 states as follows:
Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to solicit, accept, receive, hold, utilize, and administer on behalf of the United States gifts, bequests, or devises of real and personal property made for the benefit of the National Arboretum or for the carrying out of any of its functions. For the purposes of the Federal income, estate, and gift tax laws, property accepted under the authority of this section shall be considered as a gift, bequest, or devise to the United States. Any gift of money accepted pursuant to the authority granted in this section, or the net proceeds from the liquidation of any property so accepted, or the proceeds of any insurance on any gift property not used for its

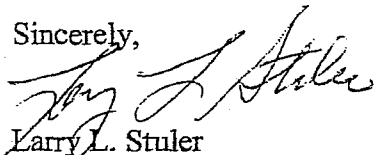
February 5, 2005

restoration shall be deposited in the Treasury of the United States for credit to a separate fund and shall be disbursed upon order of the Secretary of Agriculture.

6. This request concerns the 10 year period from 1994 through 2003.
7. Please send the total amount of gifts, bequests, and devises of real and personal property made for the benefit of the National Arboretum or for the carrying out of any of its functions deposited in the Treasury of the United States for credit to the separate fund as described in 20 USC §195 for each year in the 10 year period specified in paragraph 6.
8. Please send the name of the separate fund described in 20 USC §195 for which the gift amount described therein has been deposited for credit in the Treasury of the United States.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on February 5, 2005.

Sincerely,



Larry L. Stuler
565 Addison Street
Washington, PA 15301



United States Department of Agriculture

Research, Education and Economics
Agricultural Research Service

February 28, 2005

Mr. Larry L. Stuler
565 Addison Street
Washington, Pennsylvania 15301

Dear Mr. Stuler:

This is an interim response to your February 5, 2005, Freedom of Information Act (FOIA) request seeking information relevant to the total amount of gifts, bequests, and devises of real and personal property made to the U.S. National Arboretum from 1994 through 2003. We received your request on February 22, 2005, and assigned it FOIA No. 05-072.

We are providing you with a cost estimate before processing your request. For the purpose of assessing fees, we have placed you in the "all other requesters" fee category. Consistent with this fee category, you will be assessed charges to recover the full reasonable direct costs for searching for the requested documents and the duplication of those documents. As a requester in this category, you will not be charged for the first 100 pages of duplication or the first two hours of search time. The search fees are: the salary rate of the employee conducting the search, plus 16 percent of the employee's basic pay. If a homogeneous class of personnel is used, the rate is \$10.00 per hour for clerical time and \$20.00 per hour for professional time. Duplication costs for pages 8 1/2 x 14 or smaller are \$0.20 per page and pages larger than 8 1/2 x 14 are \$0.50 per page.

We estimate that it will cost about \$760.00 to process your request. The estimate includes 40 hours of search time at \$20.00 per hour. Providing information on monetary gifts from 2001 through the present would be relatively simple; however, searching gifts and real and personal property items beginning in 1994 would be time consuming. We will place your request in our pending file until we hear back from you regarding fees. If you would like to narrow the scope of your request, please let us know. In addition, we are not clear whether you are looking for the "total number" of gifts, bequests, and devises of real and personal property or the "total dollar value."

This letter also acknowledges receipt of your January 29, 2005, request (assigned FOIA No. 05-063) for information relevant to the total amount of gifts, bequests, and devises of real and personal property made to the National Agricultural Library. We are in the process of searching for responsive information.

If you have any questions, please contact this office at 301-504-1640.

Sincerely,

Valerie Herberger
FOIA Coordinator

